

REMARKS

Applicant respectfully requests reconsideration and allowance of claims 1-2 and 5-33 that are pending in the above-identified patent application. Applicant has amended claims 1, 11-13, and 21. No new matter has been added by the claim amendments.

In numbered parts 2-3 of the Office Action, the Examiner rejected claims 1, 2, and 5-33 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,123,259 ("the *Ogasawara* reference"). Applicant respectfully traverses the Examiner's rejection.

Independent method claim 1 of the instant application recites, among other things, "using the remote device to compare at least some of the item identifier information in the site signal with user selected item information stored on the remote device; and displaying to a user the identifier and location item information that match the user selected item information based on the comparison." Independent apparatus claim 10 recites "a processor operable to execute actions under the control of one or more programs, where the actions include: (a) comparing the product information of the wireless signals to the list of products in the memory of the remote device, and (b) displaying to the user a description of any products and the locations of those products that match the products of the list."

Applicant respectfully submits that the *Ogasawara* reference fails to disclose or suggest the above-quoted features of the invention as recited in claims 1 and 10. In particular, the *Ogasawara* reference fails to disclose that a remote device, such as the mobile shopping terminal 5, compares item identifier information received from a broadcasted site signal with user

selected item information stored on the remote device. Indeed, the *Ogasawara* reference teaches exactly the opposite. Column 8, line 55 — column 9, line 27 of the *Ogasawara* reference discloses that in order to enjoy the "location recognition feature" of the mobile terminal 5, the customer first scans an item's UPC bar code using the mobile terminal 5. Next, information from the item's UPC bar code is transmitted from the mobile terminal 5 to the core server 50. The core server 50 invokes a search and retrieve subroutine to compare the transmitted UPC bar code information with stored information. If a match is achieved, the core server 50 transmits item entry information contained in the core server 50 to the mobile terminal 5 and assigns a location to the customer based on the scanned UPC bar code information. Next, the customer uses the mobile terminal 5 to transmit information relating to a next item to the core server 50. The core server 50 again invokes the search and retrieve subroutine to obtain any available information concerning that item, including location information. Either the core server 50 or the mobile terminal 5 may then calculate direction and distance information based on the assigned customer location and the destination location.

Notably, nowhere in this portion or any other portion of the *Ogasawara* reference is it disclosed or suggested that the remote device is used to compare item identifier information with user selected information or is used to display to the user the item identifier and item location information that match the user selected item information based on the comparison.

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the § 102(e) rejection of independent claims 1 and 10 over the *Ogasawara* reference. Further, claims 2, 5-9, and 14-20 depend from claim 1 and claims 11-13

depend from claim 10. These dependent claims contain all of the limitations of the respective base claims as well as other limitations that are neither disclosed nor suggested by the prior art of record. Accordingly, Applicant submits that the subject dependent claims are likewise patentable.

Independent apparatus claim 21 recites, among other things, "a plurality of product transmitters, each broadcasting identity information of a product or class of products, a location of the product transmitter being associated with the location of the product or class of products, and a portable device" that is capable of "receiving the identity information broadcast by the product transmitter associated with the selected product or class; and based on the strength of the product transmitter signal, providing an indication on the remote device that the device is at a location proximate to the selected product or class."

Applicant respectfully submits that the *Ogasawara* reference fails to disclose or suggest the above-quoted features of independent apparatus claim 21. In particular, the *Ogasawara* reference fails to disclose a plurality of product transmitters that are located in association with the location of the product or class of products. Indeed, the *Ogasawara* reference discloses but one core server 50 that services an entire store. There is simply no disclosure of a plurality of product transmitters that are located in association with products or classes of products. Further, the *Ogasawara* reference fails to disclose a portable device that is capable of providing an indication that the device is at a location proximate to the selected product or class of products based on the strength of the product transmitter signal. Indeed, based on the discussion hereinabove with respect to the teachings of the *Ogasawara* reference, there

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is simply no disclosure of the use of signal strength in providing location information to a portable device.

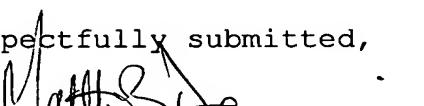
In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the § 102(e) rejection of independent apparatus claim 21. Further, claim 22-23 depend from claim 21 and contain all of the limitations thereof as well as other limitations that are neither disclosed nor suggested by the prior art of record. Accordingly, Applicant submits that the subject dependent claims are likewise patentable.

In view of the foregoing, Applicant respectfully submits that the instant claims are in condition for allowance. Early and favorable action is earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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